

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUSTIN WADLEY,

Plaintiff,

v.

DAUPHIN COUNTY PROBATION &
PAROLE,

Defendant.

No. 3:12-cv-1096

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW this 14th day of August, 2012, upon review of the Report and Recommendation of Magistrate Thomas M. Blewitt (Doc. 6) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 6) is **ADOPTED**;
- (2) The Clerk of Court is directed to docket Plaintiff's present case as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254;
- (3) Plaintiff's claim for monetary damages are **DISMISSED WITHOUT PREJUDICE** to be re-filed in a separate § 1983 action; and
- (4) This matter is **RECOMMITTED** to Magistrate Judge Blewitt for further proceedings.

**FILED
SCRANTON**

AUG 14 2012

PER 

DEPUTY CLERK



A. Richard Caputo
United States District Judge